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Hartmut Schurg

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7590

03/17/2010

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

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SUITE 600

WASHINGTON,, DC 20036

EXAMINER

GARRETT, ERIKA P

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,218	Applicant(s) SCHURG ET AL.	
	Examiner ERIKA GARRETT	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Meritt (6092705). Meritt disclose an passenger seat (not labeled, figure 5), comprising a seat part; a backrest extending from said seat part and having a front surface facing said seat part, a support structure (1) and backrest cushioning bearing on said support structure; a tray table (the inside of 8 is a table) coupled to said support structure and foldable between a stored position on a back of said support structure and a use position away from said back of said support structure; and a pocket receptacle (bottom portion of 1, figure 1) on said back of said support structure for holding utensils, printed materials and travel accessories, said receptacle being a cavity overlapping extending at least partially said tray table in the stored position in a direction perpendicular to said front surface of and said backrest and having a main opening for introducing objects into said cavity, said main opening being open and exposed when said tray table is in the stored position, said tray table remaining outside said cavity in the stored position.
3. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Rogers (5375907). Rogers disclose a seat, comprising a seat part (21); a backrest (22) extending from the seat part and having a front surface facing said seat part, a support

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structure and backrest cushioning bearing on said support structure; a tray table (30) coupled to said support structure and foldable between a stored position on a back of said support structure and a use position away from said back of said support structure; and a pocket receptacle (the inside portion of 34 forms a pocket, figure 2) on said back of said support structure for holding utensils, printed materials and travel accessories, said receptacle being a cavity overlapping extending at least partially said tray table in the stored position in a direction perpendicular to said front surface of and said backrest and having a main opening for introducing objects into said cavity, said main opening being open and exposed when said tray table is in the stored position, said tray table remaining outside said cavity in the stored position.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-12, 14-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cani (6,450,571) in view of Buxton (3,615,118). Cani discloses the use of an passenger seat (10), comprising a seat part (figures 1-2) and a backrest (12) extending from said seat part and having a support structure and backrest cushioning (42) bearing on said support structure; and a pocket receptacle (16) on said back of said support structure for holding utensils (14, figure 5), printed materials and travel accessories; a

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main opening (located inside of 16) for introducing objects into said cavity, said main opening being.

6. In regards to claim 10, wherein the backrest (12) is extendable in an upright position (figures 1-2) having a main direction oriented in a vertical direction; said cavity (18) extends from an area adjacent a top edge of said support structure to a structure element forming a bottom (figures 3-4) of the receptacle; the top edge of the support structure and the bottom of the receptacle are defined relative to said vertical direction, see figures 1-4.

7. In regards to claim 11, the main opening is adjacent said top edge of said support structure and opens in a back direction away from said backrest cushioning (42).

8. In regards to claim 12, a plate (the back portion of 12 is a plate) extends between two side edges of said support structure and in the vertical direction, above said structure element, and forms a rear wall of said receptacle.

9. In regards to claim 15, an elongated bottom (the bottom portion of 16 is an elongated bottom) opening extends between said structure element and said plate.

10. In regards to claim 18, backrest (12) comprises a backrest supporting face for supporting a user's back; said backrest has at least an upright position in which said backrest has a main direction oriented vertical direction; a wall piece spaced in direction perpendicular to the backrest supporting face; from a rear wall (a portion of the backrest 12) of said support structure bearing said backrest cushioning (42) to form a hollow space forming said cavity.

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11. In regards to claim 20, backrest has at least an upright position in which said backrest has a main direction oriented in a vertical direction.

12. In regards to claim 29, wherein said backrest (51,61) has at least an upright position (figure 1) in which said backrest has a main direction oriented in a vertical direction; said backrest has an upper half and a lower half relative to the vertical direction; and said main opening (located inside 16) is placed in said upper half.

13. In regards to claim 31, wherein said backrest (12) has at least an upright position in which said backrest has a main direction oriented in a vertical direction; and relative to the vertical direction.

14. In regards to claim 33, wherein said backrest comprises a backrest supporting face (located on the back cushion) for supporting a user's back; and said receptacle (14) is, relative to a direction perpendicular to the backrest supporting face, at least partially covered by said tray table in the stored position.

15. In regards to claim 34, wherein said cavity is formed by at least four wall parts (top, bottom, sides of the backrest portion) that adjoin each other.

16. In regards to claim 35, wherein said main opening of said cavity is formed by said top edge of said wall piece.

17. In regards to claim 37, a seat part; a backrest (51,61) extending from said seat part and having a support structure (back portion of the seat back) and backrest cushioning (62,52) bearing on said support structure, said backrest including a backrest supporting face for supporting a user's back and having at least an upright position in which said backrest has a main direction oriented in a vertical direction; a pocket

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receptacle (16) on said back of said support structure for holding utensils (located inside 14), printed materials and travel accessories, said receptacle being a cavity (located in 16) extending in said support structure at least partially between said tray table in the stored position and said backrest cushioning (42) and having a main opening for introducing objects into said cavity, said main opening being open and exposed when said tray table is in the stored position, said tray table remaining outside said cavity in the stored position (figure 2); a wall piece spaced in a direction perpendicular to said backrest supporting face from a rear wall of said support structure to form a hollow space (located) forming said cavity, said wall piece and said rear wall being distinct from the tray table, said tray table in the stored position has, relative to the vertical direction, a top edge below a top edge of said wall piece, said tray table in the stored position abutting on said wall piece, said main opening of said cavity being formed by said top edge of said wall piece.

18. In regards to claim 39, cavity (the opening section of 16) extends in the support horizontally between the tray tables in the stored position.

19. In regards to claim 40, receptacle (14) is horizontally between the plate and the rear surface of the backrest.

20. In regards to claim 41, receptacle extends in the support structure horizontally between the tray table and the stored position.

21. Canni fails to show a tray table coupled to said support structure and foldable between a stored position on a back of said support structure and a use position away from said back of said support structure; a cavity overlapping at least partially, the tray

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table in the stored position in direction perpendicular to the front surface of the backrest; tray table remaining outside the cavity in the stored position; plate supports a latch for fixing said tray table in the stored position, the latch being supported on the plate in the stored and use position of the tray table; a lip on an edge thereof bordering said bottom opening and projecting into an inside width of said bottom opening. main opening allows removal of items stored in said cavity in a direction parallel to said face in the stored position of said tray table; a latch for fixing the tray table in the stored position is mounted on a rear side of said wall piece, latch is adjacent said top edge; a tray table mounted on said rear surface for movement between a stored position overlying a rear; tray table is pivotally coupled to said support structure; tray table is distinct from said support structure; plate is fixedly connected to said support structure; a wall piece and rear wall being from the tray table, the tray table abutting on the wall piece in the stored position; said tray table in the stored position has relative to the vertical direction; top edge below a top edge of said wall piece.

22. Buxton teaches a tray table (72) coupled to said support structure and foldable between a stored position (figure 1) on a back of said support structure and a use position (figure 2) away from said back of said support structure; tray table remaining outside the cavity in the stored position, (figure 2 shows the tray table in the stored position and the main opening being open); plate supports a latch (74) for fixing said tray table in the stored position, the latch being supported on the plate in the stored and use position of the tray table, see figure 2); a lip (57) on an edge thereof bordering said bottom opening and projecting into an inside width of said bottom opening. main

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opening allows removal of items stored in said cavity in a direction parallel to said face in the stored position of said tray table; a latch (74) for fixing (securing) the tray table in the stored position is mounted on a rear side of said wall piece, latch is adjacent said top edge (see figure 2); a tray table (72) mounted on said rear surface for movement between a stored position overlying a rear; tray table (72) is pivotally coupled to said support structure, figure 2; tray table is distinct from said support structure; plate is fixedly connected to said support structure (since the plate is part of the support structure); a wall piece and rear wall being from the tray table, the tray table abutting on the wall piece in the stored position; said tray table in the stored position has relative to the vertical direction; top edge below a top edge of said wall piece.

23. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the seat of Canni with a tray table assembly as taught by Buxton, in order to allow the a passenger to have a tray to use as a table and at the same time to be able to access items in the pocket when the table is in the stored or use position.

24. Furthermore, when the tray table is attached to Canni backrest, the cavity will overlap at least partially when the tray table in the stored position in direction perpendicular to the front surface of the backrest.

25. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Canni and Buxton further in view of Dixon (5,507,556). The combination of Canni and Buxton fails to show the use of the support structure receives a display screen integrated therein.

26. Dixon teaches the use of a support structure receives a display screen (20).

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27. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the support structure with a display screen as taught by Dixon, in order to provide information and entertainment for the occupant.

Response to Arguments

28. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIKA GARRETT whose telephone number is (571)272-6859. The examiner can normally be reached on Monday, Wednesday-Thursday 8:30 a.m.-6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. G./

Examiner, Art Unit 3636

/DAVID DUNN/

Supervisory Patent Examiner, Art Unit 3636